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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,547	11/23/2005	David A Offord	400752003100	5614
25226	7590	05/03/2006		
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018				
			EXAMINER KHAN, AMINA S	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,547	<b>Applicant(s)</b> OFFORD, DAVID A	
	<b>Examiner</b> Amina Khan	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

Claims 17-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim (claim 16). See MPEP § 608.01(n). Accordingly, the claims 17-19 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard et al. (US 5,139,530).

Blanchard et al. teach compositions for crosslinking cellulosic textiles comprising 3-15% (column 4, lines 34-36) hydroxyalkylamine salts, such as tris(hydroxymethyl)aminomethane (column 3, lines 59-62) or triethanolamine (column 4, lines 5-25), 3-15% crosslinking agents, such as DMDHEU (column 3, lines 9-30), and volatile solvents, such as water/acetone (column 4, lines 35-47) as claimed in claims 1-

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6. Blanchard further teaches methods of treating cellulosic materials by contacting the materials with the aqueous formulation by spraying or immersing the material in a bath, followed by drying the material and curing from 5 to 15 seconds at a temperature of 100-220°C (column 4, lines 48-68) as claimed in claims 7-14.

Regarding the claimed limitations of providing antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge, these limitations do not further limit the methods steps and have been given little patentable weight.

The teachings of Blanchard et al. meet the limitations of the methods steps of the instant claims. Although the instant claims do not include specific composition limitations (i.e. percentage and compound) and specific method limitations (i.e. treatment time, temperature and application method), the parameters cited in the instant specification [hydroxylamine: 0.1-20% triethanolamine or tris(hydroxymethyl)amino methane; crosslinker: 0.05-15% DMDHEU (pages 5-6); application by soaking, spraying; curing for less than 5 minutes at 100-200°C (pages 6 and 7)] are also met by Blanchard et al.

The methods, compositions and products taught by Blanchard et al. are similar to those instantly claimed, and therefore would inherently possess the limitations of antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge.

Accordingly, the teachings of Blanchard et al. anticipate the material limitations of the instant claims.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard et al. (US 5,298,584).

Blanchard et al. teach compositions for crosslinking cellulosic textiles comprising 3-15% (column 4, lines 45-50) hydroxyalkylamine salts, such as tris(hydroxymethyl)aminomethane (column 3, lines 63-66) or triethanolamine (column 4, lines 15-30), 3-15% crosslinking agents, such as DMDHEU (column 3, lines 15-35), and volatile solvents, such as water/acetone (column 4, lines 50-63) as claimed in claims 1-6. Blanchard further teaches methods of treating cellulosic materials by contacting the materials with the aqueous formulation by spraying or immersing the material in a bath, followed by drying the material and curing from 5 to 15 seconds at a temperature of 100-220°C (column 5, lines 1-20) as claimed in claims 7-14.

Regarding the claimed limitations of providing antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge, these limitations do not further limit the methods steps and have been given little patentable weight.

The teachings of Blanchard et al. meet the limitations of the methods steps of the instant claims. Although the instant claims do not include specific composition limitations (i.e. percentage and compound) and specific method limitations (i.e. treatment time, temperature and application method), the parameters cited in the instant specification [hydroxylamine: 0.1-20% triethanolamine or tris(hydroxymethyl)amino methane; crosslinker: 0.05-15% DMDHEU (pages 5-6); application by soaking, spraying; curing for less than 5 minutes at 100-200°C (pages 6 and 7)] are also met by Blanchard et al.

The methods, compositions and products taught by Blanchard et al. are similar to those instantly claimed, and therefore would inherently possess the limitations of antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge.

Accordingly, the teachings of Blanchard et al. anticipate the material limitations of the instant claims.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard et al. (US 5,242,463).

Blanchard et al. teach compositions for crosslinking cellulosic textiles comprising 3-15% (column 5, lines 25-30) hydroxyalkylamine salts, such as tris (hydroxymethyl)aminomethane (column 4, lines 10-17) or triethanolamine (column 4, lines 64-68), 3-15% crosslinking agents, such as DMDHEU (column 3, lines 30-50), and volatile solvents, such as water/acetone (column 5, lines 30-45) as claimed in claims 1-6. Blanchard further teaches methods of treating cellulosic materials by contacting the materials with the aqueous formulation by spraying or immersing the material in a bath, followed by drying the material and curing from 5 to 15 seconds at a temperature of 100-220°C (column 5, lines 45-68) as claimed in claims 7-14.

Regarding the claimed limitations of providing antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge, these limitations do not further limit the methods steps and have been given little patentable weight.

The teachings of Blanchard et al. meet the limitations of the methods steps of the instant claims. Although the instant claims do not include specific composition

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limitations (i.e. percentage and compound) and specific method limitations (i.e. treatment time, temperature and application method), the parameters cited in the instant specification [hydroxylamine: 0.1-20% triethanolamine or tris(hydroxymethyl)amino methane; crosslinker: 0.05-15% DMDHEU (pages 5-6); application by soaking, spraying; curing for less than 5 minutes at 100-200°C (pages 6 and 7)] are also met by Blanchard et al.

The methods, compositions and products taught by Blanchard et al. are similar to those instantly claimed, and therefore would inherently possess the limitations of antimicrobial benefits, elimination of body odor, durability to cleaning procedures and ability to recharge.

Accordingly, the teachings of Blanchard et al. anticipate the material limitations of the instant claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,7-9 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Millward et al. (US 2004/0166753).

Millward et al. teaches finishes for cellulosic fibrous substrates comprising polymers with amine groups containing primary, secondary and/or tertiary amines and

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hydroxyls (page 2, paragraph 0021), crosslinkers such as DMDHEU (page 3, paragraph 0027) and volatile solvents (page 2, paragraph 0018). Millward et al. further teaches that the finishes have antimicrobial properties, eliminate or greatly diminish the most offensive components of malodorous body odor (page 2, paragraph 0018), and are durable and rechargeable (page 4, paragraph 0037) after multiple launderings (page 2, paragraph 0021) as claimed in claims 1-3 and 7-9. Millward et al. further teaches methods of applying the finishes to fibrous substrates (page 4, paragraph 0032) followed by laundering at a pH of 10 or above (page 4, paragraph 0037) as claimed in claims 13,14 and 16. Millward et al. further teaches methods of reacting the amine-containing polymer with a crosslinker prior to being placed in a treatment bath (page 3, paragraph 0028) as claimed in claim 16.

Accordingly, the teachings of Millward et al. anticipate the material limitations of the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

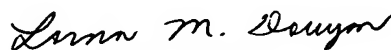


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan  
Patent Examiner  
April 29, 2006



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PRIMARY EXAMINER